

Children and Families Bill

AMENDMENTS TO BE MOVED IN GRAND COMMITTEE

Clause 36

BARONESS SHARP OF GUILDFORD

Page 29, line 34, leave out “have regard to his or her age” and insert “ensure that he or she will have sufficient time and support in education to make a successful transfer to adulthood.”

Clause 37

BARONESS SHARP OF GUILDFORD

Page 30, line 4, leave out “have regard to his or her age” and insert “ensure that he or she will have sufficient time and support in education to make a successful transfer to adulthood.”

Clause 44

BARONESS SHARP OF GUILDFORD

Page 34, line 19, leave out “have regard to his or her age” and insert “ensure that he or she will have sufficient time and support in education to make a successful transfer to adulthood.”

Clause 45

BARONESS SHARP OF GUILDFORD

Page 35, line 8, leave out “have regard to his or her age” and insert “ensure that he or she will have sufficient time and support in education to make a successful transfer to adulthood.”

Before Clause 74

BARONESS HUGHES OF STRETTFORD
BARONESS JONES OF WHITCHURCH

Insert the following new Clause —

“Staff to child ratios: Ofsted-registered childminder settings

- (1) This section applies to Ofsted-registered childminder settings.
- (2) The ratio of staff to children under the age of eight must be no less than one to six, where —
 - (a) a maximum of three children may be young children;
 - (b) a maximum of one child is under the age of one.
- (3) Any care provided by childminders for older children must not adversely affect the care of children receiving early years provision.
- (4) If a childminder can demonstrate to parents, carers and inspectors, that the individual needs of all the children are being met, then in addition to the ratio set out in subsection (2), they may also care for —
 - (a) babies who are siblings of the children referred to in subsection (2), or
 - (b) their own baby.
- (5) If children aged between four and five years only attend the childminding setting outside of normal school hours or the normal school term time, they may be cared for at the same time as three other young children, provided that at no time does the ratio of staff to children under the age of eight exceed one to six.
- (6) If a childminder employs an assistant or works with another childminder, each childminder or assistant may care for the number of children permitted by the ratios specified in subsections (2), (4) and (5).
- (7) Children may only be left in the sole care of a childminder’s assistant for two hours in a single day.
- (8) Childminders must obtain the permission of a child’s parents or carers before that child can be left in the sole care of a childminder’s assistant.
- (9) The ratios in subsections (2), (4) and (5) apply to childminders providing overnight care, provided that the children are continuously monitored, which may be through the use of electronic equipment.
- (10) For the purposes of this section a child is —
 - (a) a “young child” up until 1 September following his or her fifth birthday;
 - (b) an “older child” after the 1 September following his or her fifth birthday.”

Insert the following new Clause —

“Staff to child ratios: Ofsted-registered non-domestic childminder

- (1) This section applies to Ofsted-registered, non-domestic childcare settings.
- (2) For children aged under two —
 - (a) the ratio of staff to children must be no less than one to three;

Before Clause 74 – continued

- (b) at least one member of staff must hold a full and relevant level 3 qualification, and must be suitably experienced in working with children under two;
 - (c) at least half of all other members of staff must hold a full and relevant level 2 qualification;
 - (d) at least half of all members of staff must have received training in care for babies; and
 - (e) where there is a dedicated area solely for children under two years old, the member of staff in charge of that area must, in the judgement of their employer, have suitable experience of working with children under two years old.
- (3) For children between the ages of two and three –
 - (a) the ratio of staff to children must be no less than one to four;
 - (b) at least one member of staff must hold a full and relevant level 3 qualification; and
 - (c) at least half of all other members of staff must hold a full and relevant level 2 qualification.
- (4) Where there is registered early years provision, which operates between 8 am and 4 pm, and a member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification is working directly with the children, for children aged three and over –
 - (a) the ratio of staff to children must be no less than one to 13; and
 - (b) at least one other member of staff must hold a full and relevant level 3 qualification.
- (5) Where there is registered early years provision, which operates outside the hours of 8 am and 4 pm, and between the hours of 8 am and 4 pm where a member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification is not working directly with the children, for children aged three and over –
 - (a) the ratio of staff to children must be no less than one to eight;
 - (b) at least one member of staff must hold a full and relevant level 3 qualification; and
 - (c) at least half of all other staff must hold a full and relevant level 2 qualification.
- (6) In independent schools where –
 - (a) a member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification;
 - (b) an instructor; or
 - (c) a suitably qualified overseas-trained teacher is working directly with the children, for children aged three and over –
 - (i) for classes where the majority of children will reach the age of five or older within the school year, the ratio of staff to children must be no less than one to 30;
 - (ii) for all other classes the ratio of staff to children must be no less than one to 13; and
 - (iii) at least one other member of staff must hold a full and relevant level 3 qualification.

Before Clause 74 – continued

- (7) In independent schools where there is –
 - (a) no member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification;
 - (b) no instructor; or
 - (c) no suitably qualified overseas-trained teacher, working directly with the children, for children aged three and over –
 - (i) the ratio of staff to children must be no less than one to eight;
 - (ii) at least one member of staff must hold a full and relevant level 3 qualification; and
 - (iii) at least half of all other members of staff must hold a full and relevant level 2 qualification.
- (8) In maintained nursery schools and nursery classes in maintained schools (except reception classes) –
 - (a) the ratio of staff to children must be no less than one to 13;
 - (b) at least one member of staff must be a school teacher as defined by subsection 122(3) (Power to prescribe pay and conditions) of the Education Act 2002 and Schedule 2 to the Education (School Teachers' Qualifications) (England) Regulations 2003; and
 - (c) at least one other member of staff must hold a full and relevant level 3 qualification.
- (9) The Secretary of State may make provision in statutory guidance to –
 - (a) define qualifications as “full and relevant”; and
 - (b) define “suitable experience” for those working with children under two.
- (10) If HM Chief Inspector of Education is concerned about the quality of provision or the safety and wellbeing of children in a setting he may impose different ratios.”

Clause 74

BARONESS HUGHES OF STRETTFORD
BARONESS JONES OF WHITCHURCH

Page 51, line 10, at beginning insert “If, after a consultation period of not less than three months, and the publication of a response to the consultation, the Secretary of State is satisfied with the provisions, he may make an order so that”

Clause 79

BARONESS HUGHES OF STRETTFORD
BARONESS JONES OF WHITCHURCH

Page 52, line 43, leave out from “may” to end of line 44 and insert “only conduct an investigation of the case of an individual child where he considers it will enable him to discharge the primary function more effectively.”

Clause 80

LORD TOUHIG

Page 54, line 5, at end insert –

- “(3) The Children’s Commissioner may require a person to whom representations has been made under subsection (2) to state in writing, within such period as the Commissioner may reasonably require, what actions the person has taken or proposes to take in response to the representations.”

Schedule 5BARONESS HUGHES OF STRETFORD
BARONESS JONES OF WHITCHURCH

Page 188, line 9, at end insert –

- “(za) In sub-paragraph (1), after “Secretary of State” insert “with the consent of the Education Committee of the House of Commons”.”

Page 188, line 11, at end insert –

- “(aa) after sub-paragraph (2) insert –

- “(2A) In appointing the Children’s Commissioner the Secretary of State shall –
- (a) have due regard to the views of –
 - (i) any parliamentary committee which has published a view on the proposed appointment;
 - (ii) children involved in the appointment of the Children’s Commissioner, and
 - (iii) the advice of any selection panel, established for the purpose of interviewing candidates, as to their suitability for appointment;
 - (b) appoint an individual only if the Secretary of State reasonably considers the individual –
 - (i) has experience and knowledge relating to children’s rights;
 - (ii) is able and willing to act independently of government;
 - (iii) enjoys the trust and confidence of the public (including children); and
 - (iv) is capable of effectively fulfilling the Children’s Commissioner’s primary function.””

Page 188, line 14, at end insert –

- “(d) after sub-paragraph (7) add –

- “(8) The Secretary of State may only use his power under sub-paragraph (7) with the consent of the Education Committee of the House of Commons””

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TO BE MOVED
IN GRAND COMMITTEE

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